

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 11
	:	
WJO, INC.,	:	Case No. 10-19894 (JKF)
	:	
Debtor.	:	
	:	

**OBJECTION OF TRISTATE CAPITAL BANK TO DEBTOR’S MOTION TO PERMIT:  
A) ADDITIONAL USE OF CASH COLLATERAL [AND] B) PROVIDE ADEQUATE  
PROTECTION TO PARTIES WITH INTEREST IN CASH COLLATERAL (D. NO. 100)**

TriState Capital Bank (“Tristate” or “Lender”), by and through its undersigned counsel, hereby files its objection (the “Objection”) to the *Debtor’s Motion to Permit: A) Additional Use of Cash Collateral [and] B) Provide Adequate Protection to Parties with Interest in Cash Collateral* (Docket No. 100) (the “Cash Use Motion”).

Tristate shares a number of the concerns raised by Kathleen O’Brien (“Ms. O’Brien”) in her filed objection (“Response”) (Docket No. 150) to the Cash Use Motion – specifically that (i) the Debtor has not shown that the proposed expenditures are reasonable or will benefit the estate and (ii) the pre-petition counsel fees of Pond Lehocky Stern Giordano (“Pond”) are not payable at this stage in the case and as proposed by the Debtor. Further, Tristate objects to the proposed use of such funds as such funds constitute collateral of Tristate and Tristate is not adequately protected through the expenditures as proposed by the Debtor.

As Ms. O’Brien recognizes in the Response, Tristate does contend that it has the first and best lien on the funds at issue. See footnote 1 page 8 of the Response. However, a footnote in a response pleading is neither the type of proceeding nor the context for seeking a determination of, or a shifting of, interests in property. See Bankruptcy Rule 7001.

WHEREFORE, Tristate respectfully requests that the Court enter an order denying the Cash Use Motion at this time.

Date: January 20, 2010

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